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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

JANVIER, J

ART UNIT

PAPER NUMBER

2162

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/349,650

Applicant(s)

NYHAN ET AL.

Examiner

Jean D Janvier

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Specification*

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick, U.S Patent 5,724,521.

As per claims 1-12 and 18-20, Dedrick teaches a system comprising:

1.

A code **or an account number** associated with the advertisement received from an advertiser **so that so Metering Servers 14, upon determining where the characteristics of the end-users served by each of metering servers fall on the consumer scale associated with an advertisement from a particular advertiser, can identify which advertiser has submitted an**

**Ad. and forward the information to the Clearinghouse Server 20 for either crediting or debiting the account of the advertiser whose advertisement has matched the an end-user profile (see abstract-col.14, lines 13-24- col.17, lines 17-35-col.12, lines 9-16);**

**A server or a Metering Server 14 of fig.1 in conjunction with the Statistic Compilation Process 26 of fig.2 capable of identifying when the advertisement is viewed by the user using client PC 12 wherein the code or the advertiser's account appended to the advertisement sends a signal back to the Metering server 14 of fig.1 indicative of how much of the said advertisement was viewed or consumed by the end-user so that appropriate credit or debit can take place (col.9, lines 27-48-col.12, lines 9-16); and**

**A computer or client PC 12 of fig.1 on which the advertisement or electronic information is viewed by the user wherein the computer has a file stored on the client PC 12 Hard disk or a GUI, containing information such as en-user variables, on which an indicator is generated, the indicator providing information associated with the advertisement such as how many Ad screens were viewed by the user (col.3, lines 29-67 and col.4, lines 1-2-col.9, lines 27-48).**

2. **Wherein the information compiled by Statistic Compilation Process 26 of fig.2 includes not only time at which the user viewed the advertisement, but also how much of the Ad was consumed by the end-user so that the end-user's account can be debited or credited by Clearinghouse Server 20 of fig.1 (Keeping track of the time at which an Ad. was viewed by an end-user is anticipated by Dedrick-col.9, lines 27-48-col.12, lines 9-16-col.14, lines 13-24).**

3. The system further comprising:

An advertising server or **Yellow Page Server 22 of fig.1** capable of delivering the advertisement to the computer or client **PC 12 of fig.1** of the user **via the Metering Server 14 of fig.1 (col.12, lines 9-16).**

4. The system further comprising:

A plurality of advertising servers or **Yellow Page Servers 22 of fig.1** capable of delivering an advertisement to the computer or client **PC 12 of fig.1** of the user wherein each of the advertisements includes a **code or advertiser's account or consumer scale** associated with the advertisement and further wherein the servers are capable of identifying, **using the Statistic Compilation Process 26 of fig.2 in conjunction with Metering Server 14 of fig.1, not only** when the advertisement is viewed, **but also how much of the Ad was consumed,** by the user so **that the Publisher's/Advertiser's account can be debited or credited by Clearinghouse Server 20 of fig.1 (col.5, lines 1-19-col.12, lines 9-16-col.14, lines 13-24).**

5. Wherein the server generates a survey or **query or quiz** that may be accessed by the user to **answer questions or fill out a questionnaire regarding an advertisement that he has viewed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).**

6. Wherein the survey is dynamically generated, **especially if the user is using the Interactive Process 76 of fig.5 as described in col. 17 and lines 6-15 and the advertiser is giving an incentive to the user or customer for reading advertising messages and before the user's account is credited by the Publisher/Advertiser 18 of fig.1, the user will be automatically quizzed, based on advertisements to which the user has been exposed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).**

7. Wherein the survey obtains demographic information of the user **if the user is willing to provide such information or if the advertiser is willing to offer some kind of incentive to the user for providing demographic or psychographic data to the advertiser (anticipated by Dedrick) or Publisher/Advertiser 18 of fig.1 can specifically request end-user profile data from Billing Process 54 of fig.4 (col.14, lines 44-51-further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).**

8. Wherein the server or **Yellow Page Server 22 of fig.1** includes a plurality of categories or titles which identify advertisements from a particular Publisher/Advertiser 18 of fig.1 (see abstract-col.11, lines 59-67).

9.       Wherein the server or **Yellow Page Server 22 of fig.1** generates a survey or **query** that may be accessed by the user to **answer questions or fill out a questionnaire regarding an advertisement that he has viewed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art)**, wherein results of a plurality of surveys answered by a plurality of users assist in computing the effectiveness of the advertisement **or in matching the user's variables (demographic or psychographic data) in a best-fit-pricing manner so that the Ad. delivered to the end-user client PC 12 of fig.1 via Metering Server 14 of fig.1 from Yellow Page Server 22 of fig.1 matches the user's variables see abstract).**

10.       Wherein the server receives questions generated by the advertiser **for a user who, using Interactive Process 76 of fig.5, can directly view advertisements and answer queries from Publisher/Advertiser 18 of fig.1 sent to the user via Yellow Page Server 22 of fig.1 (col.17, lines 6-15).**

11.       Wherein the server receives questions and selected demographic information or consumer scale associated with the advertisement (consumer variables which include a particular demographic profile that must be met by the user's variables so that **Publisher/Advertiser 18 can be charged the highest price based on this consumer best-fit-pricing manner- see abstract- col.5, lines 1-4-col.11 lines 59 to col.12 line 16)** generated by the advertiser.

12.     Wherein the advertiser or **Publisher/Advertiser** may access research results or survey responses from users stored in **Yellow Page Server 22 of fig.1 for further marketing processing** (anticipated by Dedrick-further, the importance of on-line research was disclosed on page 2 line 31 to page 3 line 9 as prior Art).

18.

A code attached or a consumer scale or an electronic advertisement identifier (title) to the advertisement (col.5, lines 1-4-col.11, lines 59-67) capable of generating a signal when the advertisement is viewed on the computer by the user wherein the code provides information relating to the viewing of the advertisement **upon comparing by the Consumer Scale Matching Process 39 of fig.3 the characteristics of the individual end-users with the Consumer Scale associated with the electronic advertisement and once the Metering Servers 14 of fig.1 have determined where the characteristics of the end-users served by the Metering Servers 14 of fig.1 fall on the Consumer Scale associated with the advertisement, then the electronic advertisement will be delivered to the user for viewing via client PC 12 of fig.1 (see abstract-col.9, lines 27-47-col.17, lines 16-29) or compiling statistical data by Statistical Compilation Process 26 of fig.2 using client PC 12 GUI (col.9, lines 27-47-col.17, lines 16-29) regarding viewed advertisements and these data can be transferred to Yellow Page Servers 22 of fig.1 via Metering Servers 14 of fig.1 where they will be made available to Publisher/Advertiser 18 of fig.1 for further marketing processing; and**



A server or **Yellow Page Servers 22 of fig.1** receiving from the computer or client **PC 12 of fig.1** of the user via **Metering Servers 14 of fig.1** the signal or feedback or statistical data compiled by **Statistical Compilation Process 26 of fig.2** using client **PC 12 GUI (col.9, lines 27-47-col.17, lines 16-29)** regarding viewed advertisements where these data will be made available to **Publisher/Advertiser 18 of fig.1** for further marketing processing

19. Wherein the server or **Yellow Page Servers 22 of fig.1** generates a signal or resends an advertisement to **Metering Server 14 of fig.1** for delivery to the user via client **PC 12 of fig.1** in response to the signal wherein the signal includes information related to the viewing of the advertisement as compiled by **Statistical Compilation Process 26 of fig.2** and stored on **Metering Server 14 of fig.1** accessible by the user via the computer or client **PC 12 of fig.1** (col.12, lines 9-16-col.9, lines 28-48).

20. Wherein the information includes time at which the advertisement was viewed by the user (anticipated by Dedrick- statistical data compiled by **Statistical Compilation Process 26 of fig.2** should contain, among other things, time at which the Ad. was viewed by the user-see discussion on claim 2).

As per claims 13-17, Dedrick teaches a method comprising the steps of:

13.

Providing the advertisement viewable through an on-line network or **WAN** (col.3,

lines 6-9) accessible by a computer or client PC 12 of fig.1 of the user;

Attaching a code or a consumer scale or an electronic advertisement identifier (title) to the advertisement (col.5, lines 1-4-col.11, lines 59-67);

Identifying when the advertisement has been viewed by the user upon comparing by the Consumer Scale Matching Process 39 of fig.3 the characteristics of the individual end-users with the Consumer Scale associated with the electronic advertisement and once the Metering Servers 14 of fig.1 have determined where the characteristics of the end-users served by the Metering Servers 14 of fig.1 fall on the Consumer Scale associated with the advertisement, then the electronic advertisement will be delivered to the user for viewing via client PC 12 of fig.1 (see abstract-col.9, lines 27-47-col.17, lines 16-29); and

Storing information in the computer or client PC 12 of fig.1 Hard disk of the user wherein the information relates to statistical data regarding viewing advertisements compiled by Statistical Compilation Process 26 of fig.2 using client PC 12 GUI (col.9, lines 27-47-col.17, lines 16-29).

14. The method further comprising the step of:

Generating a survey or query or quiz that may be accessed by the user to answer questions or fill out a questionnaire regarding an advertisement that he has viewed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).

15. The method further comprising the step  
of:

Dynamically generating a survey, **especially if the user is using the Interactive Process 76 of fig.5 as described in col. 17 and lines 6-15 and the advertiser is giving an incentive to the user or customer for reading advertising messages and before the user's account is credited by the Publisher/Advertiser 18 of fig.1, the user will be automatically quizzed**, based on advertisements to which the user has been exposed (col.3, lines 38-47-col.17, lines 6-15-  
**further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).**

16. The method further comprising the step  
of:

Generating survey questions based on information received from the advertisers or  
**Publisher/Advertiser 18 of fig.1 for a user who, using Interactive Process 76 of fig.5, can directly view advertisements and answer queries from Publisher/Advertiser 18 of fig.1 sent to the user via Yellow Page Server 22 of fig.1 (col.17, lines 6-15).**

17. The method further comprising the step

of:

Computing effectiveness of the advertisement based on survey results obtained from users exposed to the advertisement and from users not exposed to the advertisement **upon using Yellow Page Server 22 of fig.1** to generate a survey or **query** that may be accessed by the user to answer questions or fill out a questionnaire regarding an advertisement that he has viewed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art), or in matching the user's variables (demographic or psychographic data) in a best-fit-pricing manner so that the Ad. delivered to the end-user client PC 12 of fig.1 via Metering Server 14 of fig.1 from Yellow Page Server 22 of fig.1 matches the user's variables see abstract).

### Conclusion

Although US Patents 5,794,210 to Goldhaber et al, 5,848,397 to Marsh et al, 6,199,106 to Shaw et al, 5,838,790 to McAuliffe et al, 6,006,197 to d'Eon et al and 5,948, 061 to Merriman et Al were not used in this Office Action, they were highly considered as relevant prior. Art. Applicants are further directed to consult these references.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

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by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 305-3900.

5/18/01

A handwritten signature in black ink, appearing to read "Eric W. Stamber". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

ERIC W. STAMBER  
PRIMARY EXAMINER